

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

TERRI USHER, a/k/a TERRI ROGERS,

Plaintiff,

v.

CAROLINE W. COLVIN, Acting
Commissioner of Social Security,

Defendant.

Case No. 14-5286 BHS-KLS

REPORT AND RECOMMENDATION

This matter has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule MJR 4(a)(4) and as authorized by Mathews, Secretary of H.E.W. v. Weber, 423 U.S. 261 (1976). This matter is before the Court on the stipulated motion for remand. (ECF 14). After reviewing the parties' stipulated motion and the remaining record, the undersigned recommends that the Court grant the parties' motion, and remand this matter to the Commissioner for further proceedings, including further development of the record, a new hearing, and a new decision

This court recommends that on remand, the Administrative Law Judge (ALJ) will: (1) update the treatment evidence on the claimant's medical condition; (2) obtain evidence from a medical expert to determine the date on which the claimant's back impairment met a listing; (3) expressly evaluate the treating medical source opinion of Troy Witherrite, M.D., and explain the reasons for the weight given to this opinion evidence; (4) if warranted, give further consideration to the claimant's residual functional capacity on the updated record, citing specific evidence in

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1 support of the assessed limitations; (5) if warranted, give further consideration to whether the
2 claimant has past relevant work she could perform with the limitations established by the
3 evidence; and (6) as appropriate, secure supplemental evidence from a vocational expert to
4 clarify the effect of the assessed limitations on the claimant's occupational base.

5 Plaintiff may present new arguments and evidence. The ALJ may perform further
6 development and conduct further proceedings, as necessary.
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8 This case is reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g).
9 Upon proper presentation, this Court will consider Plaintiff's application for costs, expenses, and
10 reasonable attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(a),(d).

11 Given the fact of the parties' stipulation, the Court recommends that the District Judge
12 immediately approve this Report and Recommendation and order the case **REVERSED** and
13 **REMANDED**. A proposed order accompanies this Report and Recommendation.
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15 DATED this 22nd day of August, 2014.

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18 Karen L. Strombom
19 United States Magistrate Judge
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